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*Walmart, Inc. d/b/a Walmart Supercenter No. 5259*  
*& Russell Lapat*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

EDNA SANDRA BOCK-KASMINOFF, an individual,

Plaintiff,

v.

WALMART, INC., a Foreign Corporation DBA WALMART SUPERCENTER #5259;  
RUSSELL LAPAT; DOE STORE MANAGERS I through X; DOE STORE ASSOCIATES I through X; DOE MAINTENANCE ASSOCIATES I through X; DOE JANITORIAL ASSOCIATES I through X; DOES I - X; ROE MAINTENANCE COMPANIES XI through XX; inclusive, jointly and severally,

Defendants.

Case No.: 2:20-cv-00949-JAD-EJY

**STIPULATION AND ~~PROPOSED~~ ORDER FOR LEAVE TO CONDUCT DEPOSITIONS OUTSIDE OF COURT'S ORDER AND CLOSE OF DISCOVERY PERIOD**

Plaintiff EDNA SANDRA BOCK-KASMINOFF (hereinafter "Plaintiff") and Defendant WALMART, INC. DBA WALMART SUPERCENTER No. 5259 (collectively "Defendant" or "Walmart"), by and through their respective counsel of record, do hereby stipulate to conduct certain discovery outside the discovery period. Specifically, the Honorable Magistrate Judge Elayna J. Youchah ordered discovery to be reopened for 30 days after Plaintiff's disclosure of their two-character witnesses for the sole purpose to allow Defendant to depose Plaintiff's character witnesses.

1 See [ECF No. 53.] A day prior to the scheduled depositions of Plaintiff's character witnesses,  
 2 Plaintiff's counsel vacated the depositions due to Plaintiff's counsel was in trial. The parties stipulate  
 3 that the depositions of Plaintiff's two-character witnesses are to occur on November 19, 2021, which  
 4 is outside the court's order and close of discovery period.

5 **DISCOVERY COMPLETED TO DATE**

- 6 • The parties conducted an FRCP 26(f) conference on July 7, 2020;
- 7 • The parties have served and exchanged their respective FRCP 26(a) disclosures. Both Plaintiff  
 8 and Defendant served their respective initial disclosures on July 10, 2020. Defendant has since  
 9 served eight supplements;
- 10 • On July 20, 2020, Plaintiff served upon Defendant one set of Requests for Admissions, one set  
 11 of Interrogatories and one set of Requests for Production of Documents and Defendant has  
 12 responded to the same;
- 13 • On August 26, 2020, Defendant served upon Plaintiff one set of Requests for Admissions, one  
 14 set of Interrogatories and one set of Requests for Production of Documents and Plaintiff has  
 15 responded to the same;
- 16 • An Independent Medical Exam was performed on Plaintiff on October 8, 2020;
- 17 • A Site Inspection of Defendant's Walmart Store No. 5259 was performed on January 27, 2021  
 18 by Plaintiff;
- 19 • Plaintiff's deposition was taken on February 9, 2021;
- 20 • Deposition of Defendant's employees Jae Leonhardt on March 2, 2021;
- 21 • Deposition of Defendant's 30(b)(6) Witness on March 12, 2021;
- 22 • Expert disclosure of Defendant of April 16, 2021; and
- 23 • Expert disclosure of Plaintiff on April 19, 2021.
- 24 • Defendant's deposition of Plaintiff's retained expert FRANK A. PEREZ, PhD, on June 22,  
 25 2021;
- 26 • Defendant's deposition of Plaintiff's non-retained treating physician expert, RUSSELL T.  
 27 NEVINS, MD on June 16, 2021.

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**DISCOVERY TO BE COMPLETED OUTSIDE THE DISCOVERY PERIOD**

Discovery to be completed include:

- **Defendant's depositions of Plaintiff's two disclosed character witnesses, that is currently scheduled for November 19, 2021.**

The parties aver that good cause exists for the request pursuant to Local Rule 2.25. Defendant timely noticed Plaintiff's counsel and the character witnesses. Plaintiff's counsel agreed to accept service on the character witnesses' behalf and agreed upon the date and time. However, due to scheduling issues of Plaintiff's counsel, the deposition was unable to go forward as scheduled. The parties have agreed to reschedule Plaintiff's character witnesses' depositions, which are now set for November 19, 2021.

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The parties aver that this request is made by the parties in good faith and not for the purpose of delay.

DATED this 9th day of November 2021.

**BIGHORN LAW**

*/s/ Kimball Jones*

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*Attorneys for Plaintiff*

DATED this 9th day of November 2021.

**PHILLIPS, SPALLAS & ANGSTADT, LLC**

*/s/ Latisha Robinson*

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*Attorneys for Defendants*

**IT IS SO ORDERED.**

  
**UNITED STATES MAGISTRATE JUDGE**

**DATED:** November 9, 2021

Respectfully submitted:  
**PHILLIPS, SPALLAS & ANGSTADT LLC**

*/s/ Latisha Robinson*

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